

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1, 2, 4, 7 and 10-13 are pending in the application, with claims 1 and 10 being the independent claims. Claims 1, 2, 4, 7 and 10-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,197,819 to Hughes ("Hughes") in view of U.S. Patent No. 5,082,231¹ to Knowles ("Knowles"). For the following reasons, this rejection is respectfully traversed. Based on the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and they be withdrawn.

Claims 1 and 10 each recite "a mounting structure attached to the second end of [a] sports pole . . . comprising: a ground sleeve, said ground sleeve configured to be mounted in the ground; a support member mounted within said ground sleeve; a bracket attachable to said sports pole and engageable with said support member to support said sports pole and inhibit rotation of said sports pole; and a collar having an aperture and at least one engagement section, the collar receiving said sports pole through the aperture and the collar being positionable on said sports pole above said bracket such that the at least one engagement section is engageable with said ground sleeve." Hughes and Knowles, taken alone or in combination, neither disclose nor suggest the recitations of the independent claims.

Hughes discloses a base plate 11 for supporting a "flexible, replaceable shaft, marker[or] sign" 29. The Examiner argues that this base plate 11 "is configured to be mounted within a recessed portion of the ground." (Office Action at p.2.) However, Applicants respectfully disagree with this categorization of the disclosure of Hughes. As disclosed by Hughes, "the bottom surface 15 [of the base plate 11] is suitable for attachment to the roadway either by use of an adhesive or by use of bolts." Col.2, ll.20-22. As such, Hughes discloses only that the base plate 11 may be *attached* to a *roadway*. Col.2, ll.20-22. There is no disclosure, nor any suggestion, by Hughes that the base plate 11 is configured to be mounted *in the ground*, as recited by the independent claims of the present invention.

¹ The Office Action, at page 2, indicates that Knowles is U.S. Patent No. 5,197,810. However, Applicants believe that the Examiner is referring to U.S. Patent No. 5,082,231, as indicated on the Notice of References Cited attached to the Office Action.

Additionally, the Examiner argues that “[t]here is a bracket (61) attachable to the pole and engageable with the support member [41].” (Office Action at p.3.) The Applicants respectfully disagree. Hughes discloses that “a pair of locking wedges 61 fit into the marker shaft cavity 25 between walls 31 and 33 of the marker shaft cavity 25 and the flexible element 27.” Col.3, ll.8-10. While the Examiner may be correct that locking pins 83 engage with the marker shaft 29, there is no disclosure, nor any suggestion, by Hughes that the *locking wedges 61 engage* with the marker shaft 29, as recited by the independent claims of the present invention. Indeed, in Hughes, the locking wedges 61 do not even *touch* the marker shaft 29.

Furthermore, the Examiner argues that flexible element 27 “can be positioned on a sports pole above the bracket [61] such that at least on engagement section (47) is engageable with the ground sleeve.” (Office Action at p.3.) Again, the Applicants respectfully disagree and believe that the Examiner is mischaracterizing the disclosure of Hughes. Hughes discloses that the flexible element 27, having a central portion 47, may be “attached to and [may] form the lower end of the marker shaft 29.” Col.2, ll.31-33. “A pair of locking wedges 61 fit into the marker shaft cavity 25 between walls 31 and 33 of the marker shaft cavity 25 and the flexible element 27.” Col.3, ll.8-10. Therefore, Hughes does not disclose, nor even suggest, that the flexible element may be positioned above the locking wedges 61 on the marker shaft 29, as recited by the independent claims. Rather, Hughes discloses that central portion 47 is a *portion* of flexible element 27, and flexible element 27 may be held *between* the locking wedges 61.

Finally, there is no disclosure in Knowles of the use of a ground sleeve configured to be mounted in the ground, a support member mounted within the ground sleeve, a bracket engageable with the support member or a collar positionable above the bracket. Indeed, the Examiner only turns to Knowles for its disclosure that it may be used for supporting a metal post “for athletic devices, such as volleyball nets, basketball backboards, football goalposts, ‘for sale’ signs, and the like.” Col.2, ll.1-5. As such, Knowles fails to cure the deficiencies of Hughes discussed above.

Because Hughes in view of Knowles fails to disclose or suggest the claimed apparatus including “a mounting structure attached to the second end of [a] sports pole . . . comprising: a ground sleeve, said ground sleeve configured to be mounted in the ground; a support member

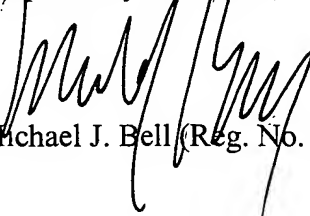
mounted within said ground sleeve; a bracket attachable to said sports pole and engageable with said support member to support said sports pole and inhibit rotation of said sports pole; and a collar having an aperture and at least one engagement section, the collar receiving said sports pole through the aperture and the collar being positionable on said sports pole above said bracket such that the at least one engagement section is engageable with said ground sleeve," claims 1 and 10 are allowable over Hughes in view of Knowles. Claims 2, 4, 7 and 11-13 depend from either claim 1 or claim 10 and are also allowable for at least these reasons. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1, 2, 4, 7 and 11-13 under 35 U.S.C. § 103(a).

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,



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Date: March 26, 2007

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